

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**SUPERSEDING BILL OF INFORMATION FOR VIOLATIONS OF
THE FEDERAL CONTROLLED SUBSTANCES ACT**

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 08-067
v.	*	SECTION: "J"
DIEGO A. PEREZ	*	VIOLATION: 21 U.S.C. § 841(a)(1)
DAVID C. BATTENBERG		21 U.S.C. § 846
a/k/a "Bird"	*	21 U.S.C. § 859
HENRY DEEB GABRIEL, III		
	*	
	* * *	

The United States Attorney charges that:

COUNT 1

THE HEROIN AND COCAINE HYDROCHLORIDE CONSPIRACY

Beginning at a time unknown, but prior to on or about November 1, 2007 and continuing until on or about February 15, 2008, in the Eastern District of Louisiana, and elsewhere, the defendants, **DIEGO A. PEREZ, DAVID C. BATTENBERG, a/k/a "Bird" and HENRY DEEB GABRIEL, III**, did knowingly and intentionally combine, conspire, confederate and agree with other persons known and unknown, to distribute and possess with intent to distribute quantities of heroin, a Schedule I drug controlled substance and quantities of cocaine hydrochloride, a Schedule II narcotic drug controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); all in violation of Title 21, United States Code, Section 846.

COUNT 2

On or about February 15, 2008, in the Eastern District of Louisiana, the defendant, **DAVID C. BATTENBERG, a/k/a “Bird”**, a person at least 18 years of age, did knowingly and intentionally distribute a quantity of heroin, a Schedule I narcotic drug controlled substance to a person under 21 years of age, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), all in violation of Title 21, United States Code, Section 859.

COUNT 3

On or about January 5, 2008, in the Eastern District of Louisiana, the defendant, **HENRY DEEB GABRIEL, III**, a person at least 18 years of age, did knowingly and intentionally distribute a quantity of heroin, a Schedule I narcotic drug controlled substance to a person under 21 years of age, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), all in violation of Title 21, United States Code, Section 859.

NOTICE OF FORFEITURE

1. The allegations of Count 1 of this indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 21, United States Code, Section 853.

2. As a result of the offenses alleged in Count 1, the defendants, **DIEGO A. PEREZ, DAVID C. BATTENBERG, a/k/a “Bird,” and HENRY DEEB GABRIEL, III** shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit or to facilitate the commission of the violations alleged in Count 1 of this indictment.

3. If any of the property subject to forfeiture pursuant to Paragraph 2 of this Notice of Forfeiture, as a result of any act or omission of the defendants, **DIEGO A. PEREZ, DAVID C. BATTENBERG, a/k/a “Bird” and HENRY DEEB GABRIEL, III;**

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property; all pursuant to Title 21, United States Code, Section 853.

JIM LETTEN
UNITED STATES ATTORNEY
EASTERN DISTRICT OF LOUISIANA
Bar Roll No: 8517

JAN MASELLI MANN
Chief, Criminal Division
Assistant United States Attorney
Bar Roll No: 9020

WILLIAM J. QUINLAN, JR.
Assistant United States Attorney
Bar Roll No: 22600

MAURICE E. LANDRIEU, JR.
Assistant United States Attorney
Bar Roll No: 22104

New Orleans, Louisiana
April 2, 2008